



606.03 Inmate Access to Court Resources

Number Series: 600 - Corrections Division

Sheriff's Approval: Digital

Approved Date: October 29, 2018

Review Due Date: October 29, 2019

Review Frequency: Annually

606.03-1 Policy

To describe the court access resources that are available to inmates confined in the Hendry County Jail.

606.03-2 General Responsibility

It is the policy of the Jail to provide confined inmates with access to the courts and reasonable services as may be necessary to safeguard their statutorily and constitutionally mandated rights.

606.03-3 Procedural Guidelines

Inmates confined in the Jail are afforded access to the courts, counsel, and to other adequate resources to enable them to pursue necessary legal activities. This access will include the following:

- I. Visiting with attorneys and bona fide legal assistants certified by an attorney as being qualified and under their supervision.
- II. Unrestricted and uncensored correspondence with attorneys, legal assistants (and a reasonable amount of postage to indigent inmates for such correspondence).
- III. Access to counsel by unmonitored telephone calls

606.03-4 Attorney/Client Visitation

Attorney/client visitation is a confidential visit in which an inmate may discuss legal matters privately with attorneys or authorized certified paralegal staff.

- I. Inmates may decline attorneys' requests for visits.
- II. The attorney/client area is under the general supervision of staff. The supervising Deputy is able to visually observe the conduct of the visit without monitoring or recording of the discussions.
- III. Ordinarily, limitations on attorney visits are imposed only in rare cases, after a complete factual examination clearly indicates that such a visit presents a threat to the Jail's security.

606.03-5 Legal Correspondence

Correspondence is permitted between inmates and counsel, when properly identified as such, without review by staff other than gross inspection for contraband. **Policy 606.15** on inmate correspondence regulates this practice.

606.03-6 Telephone Access

Telephone access to attorneys is in accord with **Policy 606.17** on the use of telephones. No properly placed attorney-client phone call is monitored.

606.03-7 Law Library Operations

The HCSO contracts with Legal Research Associates for inmate use to reference materials related to local, state and federal law, case law and other material to prepare legal documents for submission to the court.

- I. Inmates desiring to obtain information or requesting to use the Legal Research Associates shall complete an Inmate Request form on the Kiosk located in the housing pod or on an Inmate Request/Grievance Form if the inmate does not have access to a kiosk.
- II. Inmates requesting access to the legal materials and being deemed to have a legitimate need are given an opportunity to use Legal Research Associates provided the following criteria are met:
 - A. The inmate has filed a qualifying action or wishes to file a qualifying action **Pro Se** in the County, State, or Federal Court.
 - B. The inmate is not represented by counsel in the case being researched.
 - C. The inmate is identified as the attorney of record in the **Pro Se** action.
- III. Legal Research Associates is to assist inmates in legal activity relating to issues such as fighting a criminal charge, challenging the legality of a conviction or confinement, seeking redress for alleged illegal conditions of confinement, pursuing remedies in connection with civil matters, and asserting any other rights protected on Constitutional or statutory bases.
- IV. All Inmate Requests for Legal Materials forms are processed within 14-business days excluding holidays from the day the request is approved by the Corrections Lieutenant.

606.04-8 Personal Legal Materials

Legal material purchased by or supplied to an inmate may be retained by that inmate in the housing unit. Retention is subject to reasonable searches and limitations on volume relating to safety and sanitation.

- I. Pro Se Indigent inmates will be provided Writing Correspondence Packages, free of charge, twice monthly by the Classification Officer. The first issue will be delivered during the second week of the month and the package will consist of the following items:
 - A. One (1) Commissary pencil
 - B. One (1) Commissary pen
 - C. Two (2) Stamped envelopes
 - D. Ten (10) Sheets of Plain White Writing Paper

- E. One (1) Canary yellow (Manila) envelope
- II. The second issue will be delivered the fourth week of the month and include:
 - A. Two (2) Stamped envelopes
 - B. Ten (10) Sheets of Plain White Writing Paper
 - C. One (1) Canary yellow (manila) envelope
- III. An inmate entering the jail may receive a Pro Se Indigent pack prior to normal delivery, if the inmate is representing him/herself or they have returned from DOC on appeal and require legal supplies for approved Court proceedings, the inmate can submit a request for a Pro Se Package. This package will consist of all items delivered in the first issue of Pro Se Indigent Pack.
- IV. If an inmate is indigent, postage will be provided, without delay, on all properly marked legal mail.

606.03-9 Other Legal Issues

- A. Indigent inmates are provided postage in sufficient quantities to mail all legal mail (**See Section 606.15**). Indigent inmates are as defined in **Policy 606.05**.
- B. Copying is available for inmates who have funds and can demonstrate the need for such copies. The cost for such copies is established per HCSO directive and shall be deducted from the inmate's commissary account.
- C. Inmates may request document copies from Jail Administration if the inmate can demonstrate a need for an accommodation.

606.03-10 Notary Service

- I. Inmates requesting notary service will forward an Inmate Request Form to Jail Administration.
- II. Jail Administration shall process a notary request of an inmate without proper identification documentation, as specified in Section 117.05(3), *Florida Statutes*, by completing a use of Notary Commission Form.

606.03-11 Prohibition on Retaliation

Jail staff will not retaliate against or penalize any inmate because of a decision to seek judicial relief for any matter, including conditions of confinement or abuse by staff.

REFERENCES

State/Federal Regulations:
Florida Model Jail Standards
§ 117.05 (3), Fla. Stat.

FCAC:

N/A

PREA:

N/A

Forms:

Request for Legal Material

Inmate Report / Grievance

Notary Commission Form

Other Policy/ Procedure References:

600.00 Table of Content

606.05 Indigent Inmates

606.15 Inmate Correspondence

606.17 Inmate Telephone Access